

## **Remarks**

### **1. Summary of the Office Action**

In the office action mailed on August 21, 2008, the Examiner rejected claims 1, 4, 5, 8-21, and 23-29 as being allegedly obvious over U.S. Pub. No. 2001/0033581 (“Kawarai”) in view of U.S. Pub. No. 2002/0138854 (“Desai”). The Examiner also indicated that claims 2, 3, 6, 7, and 22 contained allowable subject matter but objected to those claims as being dependent from rejected independent claims.

### **2. Status of and Amendment to the Claims**

Pending are claims 1-29, of which claims 1, 5, 10, 13, 17, and 21 are independent. Applicants have amended all of the independent claims to recite that receiving one portion of a frame, or queuing that portion of a frame, is responsive to the transmission, or the initiation of the transmission, of another portion of a frame. This amendment finds support in the specification, at least at page 6, paragraph 34. Additionally, claim 10 has been amended to recite multiple queues, which finds support in the specification at page 4, paragraphs 20-22. Claims 2, 6, and 22 have also been amended, to remove the recitation of a second transmission rate.

### **3. Response to Rejections**

Applicants have clarified, in all of the independent claims, that the recited receiving, or queuing, of frame portions is responsive to the transmission of other frame portions. The primary cited reference, Kawarai, fails to teach such responsiveness. Indeed, Kawarai discloses a large capacity packet switch “for carrying out **routing** of a variable-length packet.” ¶¶ 1, 17 (emphasis added). Without conceding any of the Examiner’s arguments, Applicants respectfully submit that, in light of the failure of Kawarai to teach such responsiveness, all of the pending claims are allowable. Thus, Applicants respectfully request favorable consideration and allowance of all of the newly presented claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-3359.

Respectfully submitted,

**MCDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

Date: December 2, 2008

By: Jessica L. Lunney/  
Jessica L. Lunney  
Reg. No. 62,125